
STATUTORY INSTRUMENTS

2011 No. 1739

**The Criminal Procedure (Legal Assistance,
Detention and Appeals) (Scotland) Act 2010
(Consequential Provisions) Order 2011**

Availability of criminal advice and assistance for persons suspected of a Revenue and Customs offence and persons detained for certain drug smuggling offences

4.—(1) In regulation 8 of the Advice and Assistance and Civil Legal Aid (Financial Conditions and Contributions) (Scotland) Regulations 2011⁽¹⁾ (criminal advice and assistance: automatic availability in certain circumstances) —

(a) after “the Act” insert—

“(a”;
and

(b) at the end insert—

“(b) for any person to whom section 25A of the Criminal Law (Consolidation) (Scotland) Act 1995 (right of suspects to have access to a solicitor: revenue and customs offences) applies, in relation to a private consultation within the meaning of subsection (3) of that section; and

(c) for any person detained under section 26 of that Act (detention in connection with certain drug smuggling offences), in relation to a consultation with a solicitor permitted by subsection (9)(b) of that section.”.

(2) The amendments made by paragraph (1) have no effect in relation to—

(a) a person who is detained under section 24 or 26 of that Act, where the period of detention began before the time at which this Order comes into force;

(b) a person who attends as mentioned in section 25A(1)(b) of that Act, where the period of attendance began before that time; or

(c) a person who is arrested and detained as mentioned in section 25A(1)(c) of that Act, where the arrest occurred before that time.